



Oregon

Tina Kotek, Governor

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December 06, 2023

Jill Rolfe, Planning Director
Coos County Planning Department



Re: Proposed zone change FILE # AM-22-004/RZ-22-003

Dear Director Rolfe,

Thank you for providing an opportunity to comment on the zone change proposal, assigned FILE # AM-22-004/RZ-22-003. Based on the provided materials, it is our understanding that the subject property consists of a single parcel of approximately 13.60 acres in size.

It is our understanding that the subject property is part of a rural residential exception area designated "Rural Residential" in the Coos County Comprehensive Plan. The effective zoning for the subject property is Rural Residential-5 (RR-5), which requires a minimum of five acres for new land divisions. The applicants are proposing to re-zone the subject property from RR-5 to RR-2, which requires a minimum of two acres for new land divisions. Thus, the zone change could result in future subdivision of the land into up to 6 two-acre lots.

The materials provided for our review address standards and criteria in the Coos County Comprehensive Plan and Zoning and Land Development Ordinance. These materials also address Statewide Planning Goal 14 (*Urbanization*) by describing local policies for designating minimum parcel sizes and offering why the applicants believe the property would remain rural under the proposed RR-2 zoning. The materials also assert that a Goal 14 exception is not necessary.

The department respectfully disagrees regarding the proper application of Goal 14. It is our position that a Goal 14 exception is necessary in this case. While the effective zoning of RR-5 is consistent with the provisions of OAR 660-004-0040(6) and is deemed compliant with Goal 14, changing the effective zoning to RR-2, which would amend the applicable requirements regarding minimum parcel size to allow a greater amount of development, triggers OAR 660-004-0040(7). Please see the referenced sections of OAR 660-004-0040 below:

(6)(a) A rural residential zone in effect on October 4, 2000 shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres, except as required by section (8) of this rule.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government

amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(7) After October 4, 2000, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR chapter 660, division 14, and applicable requirements of this division.

Again, thank you for this opportunity to comment. It is our recommendation that the subject property retain the existing and effective RR-5 zoning at this time unless the applicant submits and the county approves an exception to Goal 14 as authorized by OAR 660-014.

Sincerely,



Gordon Howard, Community Services Director
Department of Land Conservation and Development

CC: Hui Rodomsky, DLCD Regional Representative
Jon Jinings, Community Services Specialist, DLCD